



Seyfarth Shaw LLP

620 Eighth Avenue
New York, New York 10018
T (212) 218-5500
F (212) 218-5526

lcannon@seyfarth.com
T (212) 218-5618

www.seyfarth.com

September 7, 2022

VIA ECF AND E-MAIL

Honorable Judge John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: **Lawal v. Fawbush's Galleria, Inc., Case No.: 1:22-cv-05932-JPC**

Dear Judge Cronan,

This Firm represents Fawbush's Galleria, Inc. ("Defendant") in the above-referenced matter. We write, with Plaintiff's consent, to respectfully request that the Court extend the briefing deadlines for Plaintiff's motion for default judgment by two weeks, with a corresponding adjournment of the Order to Show Cause hearing scheduled for October 17, 2022. The reason for this request is that Defendant anticipates filing a Motion to Set Aside the Clerk's entry of default (ECF No. 15) on or before Monday, September 12, and Defendant also plans to use the intervening time to explore the possibility of a non-litigated resolution of this matter. Defendant will also include its proposed Answer with its Motion to Set Aside the Default. This is the first request for an extension of these deadlines.

By way of background, Plaintiff filed the Complaint on July 12, 2022 (ECF No. 1), and amended this pleading on July 13, 2022 (ECF No. 8). Based on the affidavit of service filed on the docket, Plaintiff purportedly served the Summons and Amended Complaint on July 18, 2022 (ECF No. 11), making Defendant's responsive pleading due on August 8, 2022 (*Id.*). The Court issued an Order on August 18, 2022 setting a briefing schedule under which Plaintiff has until September 8, 2022 to file her motion for default judgment, Defendant's deadline to file an opposition is September 23, 2022, with the reply due September 30, 2022 (ECF No. 12). Additionally, in the Court's August 18 Order, it scheduled a telephonic hearing for October 17, 2022 at 1 p.m. (*Id.*) The Clerk issued a Certificate of Default on August 19, 2022 (ECF No. 13), which Plaintiff served on Defendant on August 22, 2022 (ECF No. 16).

Defendant engaged the undersigned counsel yesterday. The undersigned promptly communicated with counsel for Plaintiff and obtained Plaintiff's consent for this application. The reason for this request is to provide sufficient time for Defendant to file its Motion to Set Aside the Clerk's entry of default for good cause. As will be set forth in Defendant's forthcoming motion, the father of Defendant's principal owner passed away in July of this year, which substantially delayed Defendant's search for experienced counsel and response to the Amended Complaint. Additionally, Defendant does not employ an in-house counsel.



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For the foregoing reasons, Defendant respectfully requests that the Court "So Order" the following deadlines:

- (1) Defendant to file Motion to Set Aside Default: September 12, 2022
- (2) Plaintiff's Motion for Default Judgment: September 22, 2022 (from September 8, 2022)
- (3) Defendant's Opposition to Default Judgment Motion: October 7, 2022 (from September 23, 2022)
- (4) Reply in Support of Default Judgment: October 14, 2022 (from September 30, 2022)
- (5) Order to Show Cause/Initial Case Management Telephone Conference: A date convenient for the Court after October 31, 2022 (from October 17, 2022)

Defendant respectfully submits this application in good faith and not to cause undue delay. We thank the Court for its time and attention to this matter.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ Lotus Cannon

Lotus Cannon

cc: All counsel of record (via ECF and e-mail)

The briefing schedule set forth in the Court's August 18, 2022 Order, Dkt. 12, including the show cause hearing scheduled for October 17, 2022, is adjourned *sine die*. Instead, the parties will appear on October 17, 2022 at 1:00 p.m. for an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases. The conference shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. Defendant will file its answer or otherwise respond to Plaintiff's Complaint by September 20, 2022.

The Clerk of Court is respectfully directed to close the motion pending at Docket Number 17.

SO ORDERED.
Date: September 8, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'John P. Cronan'.

JOHN P. CRONAN
United States District Judge